

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

LACY TUBBY,)
)
Plaintiff,)
)
v.) **Case No. CIV-11-414-SPS**
)
CAROLYN W. COLVIN,¹)
Acting Commissioner of the Social)
Security Administration,)
)
Defendant.)

OPINION AND ORDER AWARDING
ATTORNEYS' FEES TO THE PLAINTIFF UNDER THE EAJA

The Plaintiff was the prevailing party in this appeal of the Commissioner of the Social Security Administration's decision denying benefits under the Social Security Act. The Plaintiff seeks an award of attorneys' fees in the amount of \$6,342.75 under the Equal Access to Justice Act, 28 U.S.C. § 2412. The Commissioner indicates that he has no objection to an award of \$6,342.75 to the Plaintiff.

Upon review of the record herein, the Court finds that said amount is reasonable and that the Commissioner should be ordered to pay it to the Plaintiff as the prevailing party herein. *See* 28 U.S.C. § 2412(d)(1)(A) ("Except as otherwise specifically provided by statute, a court shall award to a prevailing party . . . fees and other expenses . . .

¹ On February 14, 2013, Carolyn W. Colvin became the Acting Commissioner of Social Security. In accordance with Fed. R. Civ. P. 25(d), Ms. Colvin is substituted for Michael J. Astrue as the Defendant in this action.

incurred by that party in any civil action [.]”). *See also Astrue v. Ratliff*, ___ U.S. ___, 130 S. Ct. 2521 (2010); *Manning v. Astrue*, 510 F.3d 1246, 1249-50 (10th Cir. 2007), cert. denied, 555 U.S. 993, 129 S. Ct. 486, 172 L. Ed. 2d 355 (2008).

Accordingly, Plaintiff’s Motion and Application for an Attorney Fee Under the Equal Access to Justice Act Pursuant to Sentence Four Remand [Docket No. 21] is hereby GRANTED, and the Commissioner is hereby ordered to pay attorneys’ fees in the amount of \$6,342.75 to the Plaintiff as the prevailing party herein.

IT IS SO ORDERED this 1st day of May, 2013.



Steven P. Shredeler
United States Magistrate Judge
Eastern District of Oklahoma